

REMARKS

This Amendment is being filed in response to the Final Office Action mailed January 11, 2007, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

In the Final Office Action, claims 1-2, 4-9 and 11-15 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable U.S. Patent No. 6,622,252 (Klaasen). Further, claims 3 and 16 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Klaasen in view of U.S. Patent No. 6,353,894 (Pione). It is respectfully submitted that claims 1-9 and 11-19 are patentable over Klaasen and Pione for at least the following reasons.

Klaasen is directed to a portable computer with a two-speed data storage device, a battery and a connection to an external power source. When the storage device is powered by the internal battery, a controller reduces the rotation speed and the clock rate of the storage device to reduce power consumption. When the storage device is powered by an external power source, the

controller will run the storage device at full speed and highest clock rate.

In the Final Office Action, last three lines of page 2, it is alleged that Klaasen teach mode switching:

in response to a user command of a user of the recording apparatus [Klaasen teaches, in Fig. 5, a mechanical switch which is activated by the body of the external power plug when it is inserted (by the user) into the power inlet 52 of the portable computer 50, indicates to the controller 54 whether the external power source 52 or the internal battery 51 is supplying power].

It is respectfully submitted that Klaasen does not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 8 and 9 which, amongst other patentable elements, requires (illustrative emphasis provided):

wherein said accessing means are switched  
into a first accessing mode having a lower data  
rate than a second accessing mode when the  
recording apparatus is in a low power mode in  
response to a user command of a user of the  
recording apparatus to enter the first accessing  
mode independent of a source of power of the  
optical record carrier.

Klaasen merely teaches to enter a high power mode when an

external power plug is inserted into the power inlet of the Klaasen portable computing device, and is completely silent and does not teach or suggest entering a low power mode in response to user command, independent of the power source, as recited in independent claims 1, 8 and 9. Pione is cited in rejecting dependent claims to allegedly show other features and does not remedy the deficiencies in Klaasen.

Accordingly, it is respectfully submitted that independent claims 1, 8 and 9 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-7 and 11-19 should also be allowed at least based on their dependence from independent claims 1, 8 and 9.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Amendment in Reply to Final Office Action mailed on January 11, 2007

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By   
Dicran Halajian, Reg. 39,703  
Attorney for Applicant(s)  
February 20, 2007

THORNE & HALAJIAN, LLP  
Applied Technology Center  
111 West Main Street  
Bay Shore, NY 11706  
Tel: (631) 665-5139  
Fax: (631) 665-5101